UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/560,006	04/27/2000	John Raymond Nicol	GTM-01602	2711

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EXAMINER
NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
2176	12/

DATE MAILED: 07/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	**Applicant(s)**
Offic Action Summary	09/560,005	HUGHES ET AL.
	Examiner	**Art Unit**
	Maikhanh Nguyen	2176

-- The MAILING DATE of this communication appears on th   cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2003* .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-2, 4-26, 28, 30-42, 44-49 and 51-54*   is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-2, 4-26, 28, 30-42, 44-49 and 51-54*   is/are rejected.

7)☐ Claim(s) *5, 8, 28, 30-42, and 44-49* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5 and 7* .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1.   This action is responsive to communications: election (filed 05/27/2003) to the original

application (filed 04/27/2000) which is continuation in part of application 09/302874 (filed

04/30/1999) and IDS (filed 05/25/2000 and 10/30/2000).

2.   Claims 1-2, 4-28, 30-49 and 51-54 are elected for examination. Claims 1, 17, 25, 51 and

53 are independent claims.

Priority

3.   Examiner acknowledges the claim for domestic priority under 35 U.S.C. 119(e) to

provisional application 60/129,297, which was filed 14 April 1999. It is also acknowledged that

PCT/US00/13561 claims priority to both this and the above mentioned provisional applications.

Claim Objections

4.   Claims 5, 8, 28, 30-42, and 44-49 are objected to because of the following informalities:

- "the first multmedia data" (claim 5, line 5) should be "the first multimedia data".

- "one or more multmedia data" (claim 8, line 3) should be "one or more multimedia".

- "the first multmedia data " (claim 31, line 15) should be "the first multimedia data".

- Claims 28, 30-42, and 44-49 cannot depend on the cancelled claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-26, 28, 30-42,44-49 and 51-54 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Contois** (U.S. 5,864,868 – filed 02/1996) in view of **Arons et al.** (U.S.

6529,920 – filed 03/05/1999).

As to independent claim 25, Contois teaches a method executed in a computer system *(a*

computer interface; col.4, lines 37-61) for selecting a multimedia presentation *(providing a user*

access to media pieces stored in a media database ... display only music that relates to a

selected category; col.4, lines 37-61) comprising:

- determining a subset of multimedia presentations in accordance with predetermined

criteria *(Fig.8)*;

- determining one or more multimedia data items *(a selection of an item is made*

...determines which item has been selected; col.10, lines 7-20), each of the one or more

multimedia data items being an index into a corresponding one of the subset of multimedia

presentations *(a listing of items relating to a category of information found in the data base;*

col.9, lines 21-29);

- viewing the one or more multimedia data items using a browser to select a multimedia

presentation *(once a song title is selected to be played upon the player piano, the graphic*

window will display a picture of something associated with the selected piece of music ...view a

complete list of all of the movie categories ... allow the user to find a movie video for viewing;

col. 12, lines 13-67);

- controlling direction of the one or more multimedia data items viewed *(four media*

playing device control buttons ...play button ...rewind button ...pause button ...stop button;

col.10, line 66 – col.11, line 29); and

- selecting a first of the one or more multimedia data items associated with the

multimedia presentation *(highlights the selected item on the display; col.10, lines 7-20 / selecting*

either single or multiple items; col.12, lines 13-67).

Contois, however, does not explicitly teach "controlling speed ".

Arons teaches controlling speed *(speed control...the speed of playback can be increased*

or decreased interactively with the playback speed control while playing or when playback is

stopped. The speed can be increased up to at least 2.5 times the original and slowed down to at

least 0.5 times the original; col.14, lines 1-40).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to combine the teachings of Arons with Contois because it would have

provided the capability for users to change the speed of the multimedia items when they are

viewing them.

As to dependent claim 26, Contois teaches transferring control to machine executable code associated with a first of the subset of multimedia presentations having the first multimedia data item as an index *(col.13, lines 42-50).*

Independent claim 51 is directed to a computer program product for performing the method of claim 25, and is similarly rejected under the same rationale.

Dependent claim 52 includes the same limitations as in claim 26, and is similarly rejected under the same rationale.

Independent claim 53 is directed to a computer program product for performing the method of claim 25, and is similarly rejected under the same rationale.

Dependent claim 54 includes the same limitations as in claim 26, and is similarly rejected under the same rationale.

Independent claim 1, the rejection of independent claim 25 above is incorporated herein in full. However, claim 1 further recites "transferring control to machine executable code associated with a first of the subset of multimedia presentations having the first multimedia data item as an index.

Contois teaches transferring control to machine executable code associated with a first of the subset of multimedia presentations having the first multimedia data item as an index *(the application of the software to control ... software interface could be used ...to select what media to be played from a vast media data base; col.13, lines 42-50).*

As to dependent claim 2, Contois teaches presenting the first multimedia presentation by executing the machine executable code *(the application of the software to control ... software*

interface could be used ...to select what media to be played from a vast media data base; col.13,

lines 42-50).

As to dependent claim 4, Contois teaches the first multimedia presentation is a video for

video-on-demand selection *(col.12, lines 38-67).*

As to dependent claim 5, Contois teaches the first multimedia presentation is a speaker

presentation using a plurality of media streams and a first of the plurality of media streams

includes the first multimedia data item *(Fig. 6).*

As to dependent claim 6, Contois teaches the first multimedia data item is a miniature

viewgraph indexing into other media streams that include an audio file, an image file of speaker

notes, and a video file of a speaker giving a presentation *(Fig. 6).*

As to dependent claim 7, Contois teaches the viewing one or more multimedia data

items includes: presenting a hierarchical description of the information in an outline area; and

presenting the one or more multimedia data items in a presentation area, the hierarchical

description being synchronized with a first temporal arrangement of the one or more multimedia

data items in the presentation area *(Figs 2-4).*

As to dependent claim 8, Contois teaches the multimedia data items are presented in the

presentation area using a stacking technique in which successive multimedia data items are

presented slightly overlapping one or more previously presented multimedia data items, and the

method further includes: controlling speed and direction of the one or more multimedia data

items presented by stacking and unstacking successively presented multimedia data items in the

presentation area *(Figs. 2-4).*

As to dependent claim 9, Contois teaches the multimedia data items are presented in the presentation area using a scrolling technique in which successive images are presented along a two-dimensional axis, and the method further includes presented by controlling the direction and speed at which the one or more multimedia data items are presented along the two-dimensional axis *(col.12, lines 23-49)*.

As to dependent claim 10, Contois teaches the multimedia data items are presented in the presentation area using a three-dimensional presentation technique in which the multimedia data items are presented with a three-dimensional perspective with regard to a display viewpoint at a particular time *(col.12, lines 13-59)*.

As to dependent claim 11, Contois teaches some of the multimedia data items includes a group of one or more images having a parent-child relationship in which there is one parent multimedia data item and one or more child multimedia data items, and the method further includes: dividing the presentation area into four quadrants; presenting the parent multimedia data item near a center of the presentation area; and presenting subsequent child multimedia data items beginning in an upper left quadrant and proceeding to present successive multimedia data items on a clockwise rotation in successive quadrants *(Figs. 2-4)*.

As to dependent claim 12, Contois teaches each of the four quadrants is further divided into four subquadrants, each of the four quadrants having an outermost subquadrant corresponding to an outermost corner of the quadrant with respect to the presentation area, each of the child multimedia data items being presented in an outermost subquadrant associated with a quadrant, an outer corner of the each child multimedia data item being randomly located within the outermost subquadrant *(Figs. 2-4)*.

As to dependent claim 13, Contois teaches each of the multimedia presentations includes at least two media streams, a first media stream being used and index into the second media stream, wherein the first and second media streams are different *(Figs. 2-4)*.

As to dependent claim 14, Contois teaches the second media stream is an audio stream and the first media stream is an image-based medium *(Fig. 6)*.

As to dependent claim 15, Contois teaches each of the first and second media streams are the same *(Fig. 6)*.

As to dependent claim 16, Contois teaches producing a database of indices, each of the indices being a multimedia data item *(col. 9, lines 21-51)*.

Independent claim 17, the rejection of independent claim 25 above is incorporated herein in full. However, claim 17 further recites:

- determining one or more indices for a multimedia presentation, the multimedia presentation having a first media stream and a second media stream, a portion of the first media stream being a first index into a portion of the second media stream, the first index being one of the one or more indices;

- storing information about the one or more indices in a database; and

- invoking a software program for presenting the multimedia presentation having the first multimedia object as an index.

Contois teaches:

- determining one or more indices for a multimedia presentation , the multimedia presentation having a first media stream and a second media stream, a portion of the first media

stream being a first index into a portion of the second media stream, the first index being one of

the one or more indices*(Figs. 2-3)*;

- storing information about the one or more indices in a database *(listing of items ... found*

in the data base; col.9, lines 24-28); and

- invoking a software program for presenting the multimedia presentation having the first

multimedia object as an index *(Figs. 7-8)*.

As to dependent claim 18, Contois teaches the software program is a video on demand

application, the first multimedia object is a video key frame, and the multimedia presentation

includes a video media stream and an audio media stream *(col.13, lines 51-57)*.

As to dependent claim 19, Contois teaches the first media stream is the video media

stream and the second media stream is the audio media stream *(Abtract)*.

As to dependent claim 20, Contois teaches the multimedia presentation includes a

viewgraph stream, a video stream, an audio stream, and a text stream *(col.12, lines 13-67)*.

As to dependent claim 21, Contois teaches the viewgraph stream is the first media

stream having a portion used as an index into the video stream, the audio stream and the text

stream *(Fig.6)*.

As to dependent claim 22, Contois teaches the text stream includes speaker notes, the

video stream includes images of a speaker, the audio stream includes voice recordings of the

speaker, and the viewgraph stream includes speaker slides *(Fig.6)*.

As to dependent claim 23, Contois teaches a portion of the viewgraphs are used to

uniquely differentiate portions of a presentation by the speaker, the viewgraphs being used to

synchronize and index into the other media streams *(Fig.6)*.

As to dependent claim 24, Contois teaches the software program is an electronic commerce shopping application, the first media stream and the second media stream reference a single media stream, the single media stream being an image stream of products for sale (*col.13, lines 51-57*).

Dependent claims 28 and 30-42 include the same limitations as in claims 2 and 4-16, and are similarly rejected under the same rationale.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Milne et al.	U.S Patent No. 5,680,639	issue dated: Oct. 21, 1997
Alloul et al.	U.S Patent No. 6,032,130	issue dated: Feb. 29, 2000
Hamrick	U.S Patent No. 5,451,998	issue dated: Sep.19, 1995
McCalley et al.	U.S Patent No. 5,191,410	issue dated: Mar. 2, 1993
Gibson	U.S Patent No. 5,526,480	issue dated: Jun. 11, 1996
Urano	U.S Patent No. 5,990,898	issue dated: Nov. 23, 1999
Bretschneider et al.	U.S Patent No. 5,990,898	issue dated: Dec. 28, 1999

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (703) 306-0092. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph H. Feild can be reached on (703) 305-9792. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 308-5403 for regular

communications and (703) 308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9600.

Contact Information:

Any response to this action should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Or fax to:
AFTER-FINAL faxes must be signed and sent to (703) 746-7238.
OFFICIAL faxes must be signed and sent to (703) 746-7239.
NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date
of entry will correspond to the actual FAX reception date unless that date is a Saturday,
Sunday, or a Federal Holiday within the District of Columbia, in which case the official
date of receipt will be the next business day. The application file will be promptly
forwarded to the Examiner unless the application file must be sent to another area of the
Office, e.g., Finance Division for fee charging, etc.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled
and entered by the docketing personnel. Please do not hand deliver responses directly to
the Examiner.

Maikhanh Nguyen
July 25, 2003
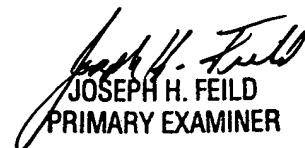
JOSEPH H. FEILD
PRIMARY EXAMINER